

# BOARD OF ADJUSTMENT

## MINUTES

THURSDAY  
SEPTEMBER 13, 2007

1:00  
PM

COMMISSIONER CHAMBERS,  
ADMINISTRATION BUILDING

<b>CALLED TO ORDER BY</b>	Donald Schreiner, Chairman, noted for the record that there was a quorum present. He confirmed Proof of Publication for each case and noted that the meeting had been advertised pursuant to the Sunshine Statute.
<b>RECORDING SECRETARY</b>	Anna Ely
<b>BOARD ATTENDEES</b>	Donald Schreiner Henry Wolsmann Mary Link Bennett Ruth Gray Howard B. (Bob) Fox, Jr. Lloyd Atkins, Jr. Steven Berk
<b>NOT PRESENT</b>	
<b>DEPARTMENT OF GROWTH MANAGEMENT REPRESENTATIVES</b>	Terrie Diesbourg, Director, Zoning Division Anita Greiner, Chief Planner, Zoning Division Paul Simmons, Planner, Zoning Division Anna Ely, Public Hearing Coordinator, Zoning Division
<b>BOARD ATTORNEY</b>	LeChea Parson, Assistant County Attorney I

### MINUTE APPROVAL

APPROVAL OF AUGUST 9, 2007 MINUTES

<b>MOTION READS:</b>	To approve the minutes of the Board of Adjustment meeting of AUGUST 9, 2007.		
<b>MOTION BY:</b>	<b>MARY LINK BENNETT</b>	<b>SECONDED BY</b>	<b>RUTH GRAY</b>
<b>MOTION APPROVED: 7-0</b>	<b>FOR:</b> Donald Schreiner Henry Wolsmann Mary Link Bennett Ruth Gray Howard B. (Bob) Fox, Jr. Lloyd Atkins, Jr. Steven Berk		<b>AGAINST:</b> None

### MINUTE APPROVAL

APPROVAL OF AUGUST 24, 2007 MINUTES

<b>MOTION READS:</b>	To approve the minutes of the Board of Adjustment meeting of AUGUST 24, 2007.		
<b>MOTION BY:</b>	<b>HENRY WOLSMANN</b>	<b>SECONDED BY</b>	<b>MARY LINK BENNETT</b>
<b>MOTION APPROVED: 7-0</b>	<b>FOR:</b> Donald Schreiner Henry Wolsmann Mary Link Bennett Ruth Gray Howard B. (Bob) Fox, Jr. Lloyd Atkins, Jr. Steven Berk		<b>AGAINST:</b> None

**WITHDRAWALS**

BOA#91-07-4 JACK AND ROMANA PRATT

<b>DISCUSSION</b>	There was no objection to BOA#91-07-4 being withdrawn.		
<b>MOTION READS:</b>	To approve the withdrawal of BOA#91-07-4.		
<b>MOTION BY:</b>	<b>MARY LINK BENNETT</b>	<b>SECONDED BY</b>	<b>STEVEN BERK</b>
MOTION APPROVED: 7-0	<b>FOR:</b> Donald Schreiner Henry Wolsmann Mary Link Bennett Ruth Gray Howard B. (Bob) Fox, Jr. Lloyd Atkins, Jr. Steven Berk		<b>AGAINST:</b> None

BOA#80-07-3 STEVE AND BETH KIMBROUGH

VAL COURSEY HOMES, INC., JOSEPH COURSEY

BOA#87-07-1 STANLEY M. AND KIMBERLY J. GAUSE

BOA#92-07-3 THE JAMES D. MONEY REVOCABLE TRUST

DAWN S. MONEY

BOA#94-07-2 MICHAEL LYNCH AND SUSAN C. PURYEAR

BOA#96-07-5 BARBARA WISE

RICHEY AND COONEY

**CONSENT AGENDA**

<b>DISCUSSION</b>	There was no objection to BOA#80-07-3, BOA#87-07-1, BOA#92-07-3, BOA#94-07-2 and BOA#96-07-5 remaining on the consent agenda.		
<b>MOTION READS:</b>	To approve BOA#80-07-3, BOA#87-07-1, BOA#92-07-3, BOA#94-07-2 and BOA#96-07-5 with conditions of staff.		
<b>MOTION BY:</b>	<b>MARY LINK BENNETT</b>	<b>SECONDED BY</b>	<b>STEVEN BERK</b>
MOTION APPROVED: 7-0	<b>FOR:</b> Donald Schreiner Henry Wolsmann Mary Link Bennett Ruth Gray Howard B. (Bob) Fox, Jr. Lloyd Atkins, Jr. Steven Berk		<b>AGAINST:</b> None

**BOA#67-07-2****RANDALL L. KARST AND GEORGE F. KARST  
MERIDETH C. NAGAL, ATTORNEY**

<b>DISCUSSION</b>	<p>Anita Greiner, Chief Planner, presented the staff report and showed the aerial, photographs, flood zone maps and Exhibit "1" as contained in the staff report. She stated that staff did not believe the owners have submitted proof of meeting the intent of Code nor have they shown proof of a substantial hardship. She stated that staff recommended denial and that the owners be directed to remove the dock and the accessory structure by October 13, 2007.</p> <p>Tony Lopresto, Licensing Investigator, explained the history of the case. He showed photographs of the new dock, the accessory structure and construction debris (County Exhibits "A" through "G"). He explained the time frame with regards to the first stop work order, the notice of violation that he issued to an unlicensed contractor and the issuance of</p>
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	<p>the second stop work order.</p> <p>Jimmy Kirby, Senior Code Enforcement Officer, spoke about the Code Enforcement case and the Special Master hearing. He stated that a notice of violation was sent to the owners and there was a Special Master case that was heard on September 12, 2007. The ruling made at that hearing was contingent on the ruling of this Board of Adjustment case. He stated that no fines have been levied at this time but fines would begin on the 31<sup>st</sup> day after the order is signed if the violation has not been corrected. To correct the violation, the owners would need to obtain the requested variance and proper building permits or remove the structures.</p> <p>Merideth Nagel, Attorney, was present to speak on behalf of the owners. She stated that she believed there was actually three separate issues; the dock, the ancillary structure and the request for a variance to repair a seawall that is damaged. Ms. Nagel showed an aerial of the dock (Applicant Exhibit "A") and stated that it was an existing dock, thought to have been there since the 1920's. She stated that the repair that was done actually created a shorter dock than the original one. She stated that the shed was built on the foundation of an old pump house that was thought to be there since the dock was built in the 1920's. She said that they do concede that the structure does go about three or four feet past the original construction. She requested that if the shed has to be removed that they would be allowed to leave the original foundation since it would be costly to remove. She addressed the issue of the electrical wiring in the shed and stated that at this time it is not hooked up to any electrical service. She asked that they be allowed to repair the seawall in order to protect the shore. She expressed their belief that the work done was not more than the amount allowable for legal existing non-conforming structures.</p> <p>Ms. Greiner showed aerials from the GIS website showing the property during the years 1998, 2002 and 2004 (County Exhibits "H" through "J") and stated that you could not see an existing dock. She also showed a 2006 GIS aerial (County Exhibit "K") showing the dock located on the property. She explained the limitations of work that can be done on legally existing non-conforming structures and stated that staff believes the work exceeded the amount allowed.</p> <p>Randall Karst, property owner, was present to speak on his own behalf. He stated that the electrical wiring was included in the shed so that when a house is built it could be connected. He stated that he removed the original concrete structure and replaced it with a wooden structure. He stated that the additional size was still part of the original slab but located where an open porch had been located on the original shed.</p> <p>Robert Schweigel, neighbor, spoke and stated that he was in objection to it being used as a recreational site. He stated that he had no objection if there was going to be a house built within the next year.</p>		
<b>MOTION READS:</b>	TO DENY the BOA#67-07-2 with conditions of staff.		
<b>MOTION BY:</b>	<b>MARY LINK BENNETT</b>	<b>SECONDED BY</b>	<b>RUTH GRAY</b>
<b>MOTION APPROVED 7-0</b>	<b>FOR:</b>		<b>AGAINST:</b>

	Donald Schreiner Henry Wolsmann Mary Link Bennett Ruth Gray Howard B. (Bob) Fox, Jr. Lloyd Atkins, Jr. Steven Berk		None
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**BOA#93-07-5**

**JERRY AND DEE SHEPHERD  
JOLEEN COOPER**

<b>DISCUSSION</b>	<p>Paul Simmons, Planner, presented the case and showed the aerial from the staff report and pointed out the location of the livestock building. He showed a site plan of the proposed lot split and explained that in 2006 the owners obtained a variance to divide their property into two ten-acre parcels through the minor lot split process. At that time it was not apparent that the livestock building would encroach on the setback required for livestock structures. He stated that the property lines could be adjusted to accommodate the proper setbacks. Staff did not believe the owners have shown proof of a substantial hardship or a violation of principles of fairness.</p> <p>JoLeen Cooper, Realtor, was present to represent the owners. She stated that the setback issue would only affect the person purchasing the new lot. She stated that over four thousand dollars had already been invested in the lot split and it would cost another twenty four hundred dollars to redo the survey for the lot split. She submitted an aerial showing the location of the new proposed lot, (Applicant Exhibit "A"), an invoice from the survey (Applicant Exhibit "B") and an aerial and property record card showing other existing barns that are closer than the required setbacks (Applicant Exhibits "C" and "D").</p> <p>Jerry Shepherd, property owner, stated that the barn is no longer being used to house animals. He stated he plans to use it for hay and equipment storage.</p>		
<b>MOTION READS:</b>	TO APPROVE the BOA#93-07-5 as requested to allow a livestock building not to be centered on the parcel and to allow a setback of less than 200 feet from the property line.		
<b>MOTION BY:</b>	<b>RUTH GRAY</b>	<b>SECONDED BY</b>	<b>STEVEN BERK</b>
MOTION APPROVED 7-0	<b>FOR:</b> Donald Schreiner Henry Wolsmann Mary Link Bennett Ruth Gray Howard B. (Bob) Fox, Jr. Lloyd Atkins, Jr. Steven Berk		<b>AGAINST:</b> None

**BOA#95-07-4**

**EUGENE AND MERRILYN KARRELS  
DISTINCT DESIGNS, INC.**

<b>DISCUSSION</b>	Anita Greiner, Chief Planner, presented the staff report and showed the aerial, pictures and survey attached to the staff report as exhibits. She showed the engineered storm water retention plan from the engineer (County Exhibit "A"). She stated that staff recommends approval, with
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	<p>the conditions that the storm water retention area must be constructed as indicated on the submitted plan and inspected by the Lake County Zoning Division prior to a final inspection of the addition by the Lake County Building Division. The owners and subsequent owner(s) shall be required to maintain the storm water plan as approved.</p> <p>Merrilyn Karrels, property owner, stated that they understood the importance of maintaining the storm water plan and stated they would maintain it as required.</p> <p>In response to questions from the board, Daniel Rodriguez, Distinct Designs, explained that the existing screen room will be removed and three additional feet added to the existing slab. He stated that they plan to enclose the entire area in glass, including the pool and deck.</p> <p>Ms. Greiner clarified that the storm water runoff plan is calculated and designed for the square footage of the entire enclosure.</p>		
<b>MOTION READS:</b>	TO APPROVE BOA#95-07-4 with the conditions of staff to allow the owners to construct a covered/enclosed patio on the rear of their existing dwelling unit that will be located 13 feet from the jurisdictional wetland line (canal bank) at the closest point.		
<b>MOTION BY:</b>	<b>STEVEN BERK</b>	<b>SECONDED BY</b>	<b>LLOYD ATKINS, JR.</b>
MOTION APPROVED 6-1	<b>FOR:</b> Donald Schreiner Henry Wolsmann Mary Link Bennett Howard B. (Bob) Fox, Jr. Lloyd Atkins, Jr. Steven Berk		<b>AGAINST:</b> Ruth Gray

Ms. Greiner distributed maps and reminded board members of the meeting on September 19, 2007.

The meeting was adjourned at 2:34 p.m.

Respectfully submitted.

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Anna Ely, Recording Secretary

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Donald Schreiner, Chairman